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| RETURN DATE: JANUARY 25, 2022 | : SUPERIOR COURT |
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| MATTHEW FORTE, ET AL | : J.D. OF STAMFORD/NORWALK |
| | : |
| VS. | : AT STAMFORD |
| | : |
| ZONING BOARD OF APPEALS OF THE | : |
| CITY OF NORWALK, ET AL | : DECEMBER 3, 2021 |

CITATION AND SUMMONS

TO ANY PROPER OFFICER:

BY AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby commanded to summon the Zoning Board of Appeals of the City of Norwalk, 125 East Avenue, Norwalk, Connecticut and the City of Norwalk, 125 East Avenue, Norwalk, Connecticut to appear before the Superior Court within and for the Judicial District of Stamford/Norwalk, at Stamford, on the 4th Tuesday of January, 2022, said appearance to be made by the said Zoning Board of Appeals of the City of Norwalk and the City of Norwalk or their attorneys, by entering written statements of appearance with the Clerk of said Court on or before the second day following said return date, then and there to answer unto the foregoing complaint and appeal of Matthew Forte of 258 Grumman Avenue, Norwalk, Connecticut and Matthew Bury of 2 Knowalot Lane, Norwalk, Connecticut by serving in the manner prescribed by law upon the City Clerk of the City of Norwalk three (3) true and attested copies of said complaint and appeal and of this citation and summons at least twelve (12) days before said date.

The Plaintiffs, as principals, and Lucy A. Ferreira, of Shelton, Connecticut, as surety, are hereby recognized in the sum of Five Hundred (\$500.00) Dollars to prosecute this appeal to effect, and to comply with all orders and decisions of the Court.

Hereof fail not but of this writ and doings thereon make due service and return.

Dated at Bridgeport, Connecticut this 3rd day of December, 2021.



JOEL Z. GREEN
COMMISSIONER OF THE SUPERIOR COURT

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COMPLAINT

To The Superior Court for the Judicial District of Stamford/Norwalk, at Stamford, comes Matthew Forte of 258 Grumman Avenue, Norwalk, Connecticut and Matthew Bury of 2 Knowalot Lane, Norwalk, Connecticut, appealing from a decision of the Zoning Board of Appeals of the City of Norwalk of 125 East Avenue, Norwalk, Connecticut, and complain and say:

1. The Defendant, the Zoning Board of Appeals of the City of Norwalk (hereinafter the "Defendant Board"), is the agency charged pursuant to the provisions of Section 8-6 of the Connecticut General Statutes with the authority to determine and vary the application of the Zoning Regulations of the City of Norwalk (the "Zoning Regulations") in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured.

2. The Defendant, City of Norwalk (the "Defendant Applicant"), is the owner of a certain parcel of land situated in the City of Norwalk, Connecticut at 12 Knowalot Lane (the "Subject Premises").

3. The Subject Premises are located in the AAA Residence Zoning District pursuant to the Zoning Regulations.

4. The Plaintiff, Matthew Forte, is an owner of certain premises located at 258 Grumman Avenue in Norwalk, Connecticut that abuts the Subject Premises.

5. The Plaintiff, Matthew Bury, is an owner of certain premises located at 2 Knowalot Lane in Norwalk, Connecticut that abuts the Subject Premises.

6. Prior to November 18, 2021, the Defendant Applicant filed a petition to the Defendant Board seeking a variance of a rear lot line setback in order to construct a new school building and related site improvements upon the Subject Premises (the "Petition").

7. On November 18, 2021, after a public hearing, the Defendant Board granted the Petition.

8. Notice of said decision by the Defendant Board was published in accordance with the provisions of the Connecticut General Statutes.

9. The Defendant Board's actions in granting the Petition were illegal, unlawful, arbitrary and capricious and in abuse of the powers vested in the Defendant Board pursuant to the Connecticut General Statutes for one or more of the following reasons:

a. The Defendant Board could not find, based upon the record at the public hearing and as a matter of law, that a literal enforcement of the Zoning Regulations would result in exceptional difficulty

or unusual hardship so that substantial justice would be done and the public safety and welfare secured in varying the application of the Zoning Regulations;

b. The Defendant Board could not find, based upon the record at the public hearing and as a matter of law, that a literal enforcement of the Zoning Regulations would result in exceptional difficulty or unusual hardship in that the Defendant Applicant was free to continue to use and enjoy the Subject Premises that includes an existing school building and related facilities and site improvements or for any one of several uses authorized pursuant to the Zoning Regulations; and

c. The Defendant Board ignored and acted in a manner inconsistent with the procedural and substantive requirements and provisions of the Zoning Regulations, the Connecticut General Statutes and the common law of the State of Connecticut.

10. As the owners of premises that abut the Subject Premises, the Plaintiffs are aggrieved as a result of the actions of the Defendant Board.

WHEREFORE, the Plaintiffs pray for a Judgment in their favor awarding the following relief:

1. That the Court sustain the Plaintiffs' appeal;
2. That the Court enters an order finding the Defendant Board's actions were unlawful and null and void and enter an order directing the Defendant Board to deny the petition;
3. That the Plaintiffs be awarded the costs of this appeal pursuant to Section 8-8(l) of the Connecticut General Statutes; and
4. Such other and further relief as the Court may determine.

THE PLAINTIFFS

BY


JOEL Z. GREEN
GREEN AND GROSS, P.C.

Please enter the appearance of:

The Law Offices of Green and Gross, P.C.
1087 Broad Street, Suite 401
Bridgeport, CT 06604
Juris Number: 405882
Tel. No. (203) 335-5141
Fax (203) 367-9964

In the above entitled case for the Plaintiffs.

Further, Green and Gross, P.C. agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book.
Email address for delivery of papers under Section 10-13: jgreen@gglaw.net


JOEL Z. GREEN, GREEN AND GROSS, P.C.
COMMISSIONER OF THE SUPERIOR COURT